

Notice of Allowability

Application No.

10/089,396

Examiner

Kenneth B Rinehart

Applicant(s)

KUEBEL, JOHANN

Art Unit

3749

-- **Th MAILING DATE of this communication appears on the cover sheet with the correspondence address--**
 If claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included
 herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS
 NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative
 of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

☒ This communication is responsive to an amendment filed 10/27/03

☒ The allowed claim(s) is/are 1-7 and 9-28.

☒ The drawings filed on 05 September 2002 are accepted by the Examiner.

☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☒ All b) ☐ Some* c) ☐ None of the:

1. ☒ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. ____.

3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the
 International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: ____.

☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific
 reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

(a) ☐ The translation of the foreign language provisional application has been received.

☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included
 in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted
 below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE**

☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF
 INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.

(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached

1) ☐ hereto or 2) ☐ to Paper No. ____.

(b) ☐ including changes required by the proposed drawing correction filed ____, which has been approved by the Examiner.

(c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. ____.

**Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of
 each sheet. Replacement sheet(s) should be labeled as such in the margin according to 37 CFR 1.121(d).**

☐ **DEPOSIT OF and/or INFORMATION** about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the
 attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

☐ Notice of References Cited (PTO-892)

☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
 Paper No. ____

☐ Examiner's Comment Regarding Requirement for Deposit
 of Biological Material

☐ Notice of Informal Patent Application (PTO-152)

☒ Interview Summary (PTO-413), Paper No. 010804.

☒ Examiner's Amendment/Comment

☐ Examiner's Statement of Reasons for Allowance

☐ Other

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Seka on 1/8/04.

The application has been amended as follows:

In claim 20, line 1, the term "8" has been deleted and the term --7-- has been added;

In claim 21, line 1, the term "8" has been deleted and the term --7-- has been added.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth B Rinehart whose telephone number is 703-308-1722. The examiner can normally be reached on 7:30-4:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ira Lazarus can be reached on 703-308-1935. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0861.

Application/Control Number: 10/089,396

Page 3

Art Unit: 3749

A handwritten signature in black ink, appearing to read "Kenneth Rinehart", written in a cursive style.

Kenneth Rinehart

Patent Examiner

AU 3749